

Decision 03-04-047 April 17, 2003

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of Inland Express Shuttle, Inc. to acquire and Diversified Paratransit, Inc., to transfer a passenger stage certificate of public convenience and necessity and certain other assets, pursuant to section 851 et seq. of the California Public Utilities Code.

Application 02-03-004
(Filed March 4, 2002)

O P I N I O N

Summary

This decision grants the application to transfer, pursuant to Pub. Util. Code § 851 et seq., a passenger stage corporation (PSC) certificate from Diversified Paratransit, Inc. (Transferor), a corporation, to Inland Express Shuttle, Inc. (Transferee), a corporation.

Discussion

Transferor is authorized by Decision (D.) 97-07-014 to operate as a passenger stage corporation (PSC-4077) to transport persons and their baggage on an on-call basis between Los Angeles and Orange Counties and certain points in Riverside and San Bernardino Counties, on the one hand, and the San Pedro Piers; AMTRAK stations in Los Angeles, Fullerton, Pomona, San Bernardino, Riverside, and Glendale; and Los Angeles International, John Wayne, Ontario International, Burbank, and Palm Springs Airports, on the other hand.

This application requests approval to transfer the PSC certificate, Transferor's leasehold interest in certain vans, office furniture and equipment, and other assets described in the Agreement for Purchase and Sale of Assets,

attached to the application as Exhibit 2. The Agreement provides that only assets relating to Transferor's airport shuttle operations are being transferred.

Transferor will retain assets that support its taxicab and contracted paratransit operations. The purchase price is \$127,326.

Transferor and Transferee are owned wholly by Brian Hunt. The reason given for the transfer is to limit auto liability exposure from one company to the other.

At one point Transferee expressed an interest in amending the application to request an expansion of the PSC service area and to establish a zone of rate freedom. Transferee subsequently advised, however, that it wished to proceed with the application as originally filed.

Notice of filing of the application appeared in the Commission's Daily Calendar on March 7, 2002.

In Resolution ALJ 176-3084 dated March 21, 2002, the Commission preliminarily categorized this application as ratesetting, and preliminarily determined that hearings were not necessary. No protest has been received. Given this status, public hearing is not necessary, and it is not necessary to alter the preliminary determinations made in Resolution ALJ 176-3084.

This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to Pub. Util. Code § 311(g)(2), the otherwise applicable 30-day period for public review and comment is being waived.

Assignment of Proceeding

Richard Clark is the assigned Examiner in this proceeding.

Findings of Fact

1. Transferor is operating as a PSC pursuant to D.97-07-014. Transferor requests approval to transfer its authority to Transferee.

2. The proposed transfer will not be adverse to the public interest.
3. No protest to the application has been filed.
4. A public hearing is not necessary.
5. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

Conclusions of Law

1. The proposed transfer is in the public interest and should be authorized.
2. Since the matter is uncontested, the decision should be effective on the date it is signed.
3. Only the amount paid to the State for operative rights may be used in rate fixing. The State may grant any number of rights and may cancel or modify the monopoly feature of these rights at any time.

O R D E R

IT IS ORDERED that:

1. Within 120 days from the effective date of this decision, Diversified Paratransit, Inc. (Transferor), a corporation, may transfer the operative rights specified in this application to Inland Express Shuttle, Inc. (Transferee), a corporation, subject to the conditions contained in the following paragraphs.
2. Transferee shall:
 - a. File a written acceptance of this certificate within 30 days after this order is effective.
 - b. Establish the authorized service within 120 days after this order is effective and adopt Transferor's tariffs and timetables, state in them when the service will start, make them effective 10 or more days after this order is effective and allow at least 10 days' notice to the Commission.

- c. Comply with General Orders Series 101 and 158, and the California Highway Patrol (CHP) safety rules.
- d. Comply with the controlled substance and alcohol testing certification program pursuant to Pub. Util. Code § 1032.1 and General Order Series 158.
- e. Maintain accounting records in conformity with the Uniform System of Accounts.
- f. Remit to the Commission the Transportation Reimbursement Fee required by Pub. Util. Code § 423 when notified by mail to do so.
- g. Comply with Pub. Util. Code §§ 460.7 and 1043, relating to the Workers' Compensation laws of this state.
- h. Enroll all drivers in the pull notice system as required by Section 1808.1 of the Vehicle Code.

3. Transferee is authorized to begin operations on the date that the Consumer Protection and Safety Division mails a notice to Transferee that its evidence of insurance and other documents required by Ordering Paragraph 2 have been filed with the Commission and that the CHP has approved the use of Transferee's vehicles for service.

4. The CPCN granted to Transferor by Decision 97-07-014 is revoked on the date Transferee is notified that it may commence operations as provided in Ordering Paragraph 3.

5. Before beginning service to any airport, Transferee shall notify the airport's governing body. Transferee shall not operate into or on airport property without authority from the airport's governing body.

6. The CPCN to operate as PSC-15187, granted herein, shall expire unless exercised within 120 days after the effective date of this order.

7. The Application is granted as set forth above.

8. This proceeding is closed.

This order is effective today.

Dated April 17, 2003, at San Francisco, California.

MICHAEL R. PEEVEY

President

CARL W. WOOD

LORETTA M. LYNCH

GEOFFREY F. BROWN

SUSAN P. KENNEDY

Commissioners

CERTIFICATE
OF
PUBLIC CONVENIENCE AND NECESSITY
AS A PASSENGER STAGE CORPORATION
PSC-15187

Showing passenger stage operative rights, restrictions,
limitations, exceptions, and privileges

All changes and amendments as authorized by
the Public Utilities Commission of the State of California
will be made as revised pages or added original pages.

Supersedes the authority heretofore granted to
Diversified Paratransit, Inc., a corporation, by D.97-07-014.

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SECTION I. GENERAL AUTHORIZATIONS, RESTRICTIONS,
LIMITATIONS, AND SPECIFICATIONS.

This certificate supersedes all passenger stage operative authorities granted to Diversified Paratransit, Inc., a corporation.

Inland Express Shuttle, Inc., a corporation, by the certificate of public convenience and necessity granted by the decision noted in the foot of the margin, is authorized to transport passengers and their baggage on an "on-call" basis, between points and places as described in Section IIA and points and places described in Section IIB, over and along the route described in Section III, subject however, to the authority of this Commission to change or modify this authority at any time and subject to the following provisions:

- a. When a route description is given in one direction, it applies to operation in either direction unless otherwise indicated.
- b. The term "on-call", as used, refers to service which is authorized to be rendered dependent on the demands of passengers. The tariffs shall show the conditions under which each authorized on-call service will be provided, and shall include the description of the boundary of each fare zone, except when a single fare is charged to all points within a single incorporated city.
- c. No passengers shall be transported except those having a point of origin or destination as described in Section IIB.
- d. This certificate does not authorize the holder to conduct any operation on the property of any airport unless such operation is authorized by the airport authority involved.

SECTION I. GENERAL AUTHORIZATIONS, RESTRICTIONS,
LIMITATIONS, AND SPECIFICATIONS (concluded).

- e. Carrier shall not transport any person between any points east of the intersection of Highway 111 and I-10, near White Water, Riverside County, on the one hand, and LAX, the piers of Wilmington and San Pedro or Long Beach on the other hand.

SECTION II. SERVICE AREAS.

- A. 1. The following cities and areas within Riverside County: Banning, Beaumont, Calimesa, Cathedral City, Corona, Elsinore, Hemet, March Air Force Base, Norco, Palm Springs, and Riverside, including all those unincorporated areas within the following boundaries:

Commencing at the intersection of Highway (Hwy) 91 and the Riverside County line (County line), east along the County line to Hwy 62 and south on it to Interstate (I) 10, east to Ramon Avenue and west on it to Bob Hope Drive, south on Bob Hope Drive to Hwy 111 and south on it to Hwy 74, south on Hwy 74 and west to Hwy 311 and southwesterly on it to Hwy 79, west on Hwy 79 to I 15 and north on it to Hwy 91, and west on Hwy 91 to County line.

- 2. The following cities and areas within San Bernardino County: Big Bear, Bloomington, Chino, Colton, Crestline, Devore, Fontana, Grand Terrace, Lake Arrowhead, Loma Linda, Montclair Norton Air Force Base, Ontario, Rancho Cucamonga, Redlands, Rialto, San Bernardino, Upland, Victorville, Wrightwood, and Yucaipa, including all those unincorporated areas within the following boundaries:

Commencing at the intersection of San Bernardino County line (County line) with the County lines of Los Angeles and Orange, north on the County line to Highway (Hwy) 18, east on Hwy 18 to

SECTION II. SERVICE AREAS (concluded).

Hwy 395 and north on it to Air Base Road, east on Air Base Road to National Trails Highway and south on it to Hwy 18, east and south on Hwy 18 to Hwy 38, southwesterly on Hwy 38 to Interstate (I) 10 and west on it to the County line, and south on the County line to the starting point.

3. Any point or place within the geographical limits of Los Angeles and Orange Counties.

- B. Los Angeles International Airport.
Ontario International Airport.
John Wayne Airport.
Burbank Airport.
Palm Springs Airport.
Piers in San Pedro (Los Angeles).
AMTRAK stations in the cities of Los Angeles, Fullerton, Pomona, San Bernardino, Riverside, and Glendale.

SECTION III. ROUTE DESCRIPTION.

Commencing from any point described in Section IIA, then over the most convenient streets, expressways, and highways to any point or place described in Section IIB.